

### **REMARKS/DISCUSSION OF ISSUES**

By this amendment, Applicants amend claims 1, 2, 4, 5, 7, 8, 14-16, 18, 19, 21-23, and 28. Reconsideration is respectfully requested in view of the following Remarks.

#### **35 U.S.C. § 103**

The Office Action rejects all of the pending claims 1-5, 7-19, 21-28 under 35 U.S.C. § 103 over Shepherd et al. WIPO Publication WO 01/31960 ("Shepherd") in view of Iliadis U.S. Patent 6,968,157.

Applicants respectfully submit that all of the pending claims are patentable over Shepherd and Iliadis for at least the following reasons.

##### **Claim 1**

The method of claim 1 includes, in part, transmitting a first signal in accordance with the first predetermined signaling protocol and at a time selected to interfere with only a portion of a transmission made by the radio terminal.

Applicants respectfully submit that no combination of Shepherd and Iliadis would produce a method including such features.

The "Response to Arguments" section of the final Office Action states that Shepherd "interferes" with the transmission by causing the device to suspend transmission (see page 2 of the final Office action).

However, claim 1 recites: interfere with only a portion of a transmission made by the radio terminal.

Suspending transmissions as described in Shepherd is for a transmission that has not been made. Shepherd is suspending future transmissions or further transmissions. This is completely different from the claimed: interfere with at least a portion of a transmission made by the radio terminal. Shepherd fails to even suggest such a feature.

Furthermore, even considering for argument sake that suspending taught in Shepherd is equivalent to interfering, suspending would not "interfere" with only a

portion of a transmission made by the radio terminal. However, applicant does not agree that suspending and interfering are equivalent as pointed out above.

Therefore, none of the cited portions of Shepherd discloses the method recited in claim 1. The second reference Iliadis is cited for features not related to the above mentioned features, nor does Iliadis cure the defects in Shepherd as noted above. Accordingly, for at least these reasons, Applicants respectfully submit that claim 1 is patentable over the cited art.

#### Claims 2-5 and 7-14

Claims 2-5 and 7-14 depend variously from claim 1 and each includes further distinguishing features not found in the cited combination of references. Thus, the dependent claims are deemed patentable for at least the reasons set forth above with respect to claim 1.

#### Claim 15

Among other things, the policing terminal of claim 15 includes the means for transmitting the first signal in accordance with the first predetermined signaling protocol is adapted to transmit the first signal concurrently with only a portion of a transmission made by the radio terminal in accordance with the first predetermined signaling protocol.

As explained above with respect to claim 1, no combination of Shepherd and Iliadis would produce a policing terminal including such a combination of features.

Accordingly, for at least these reasons, Applicants respectfully submit that claim 15 is patentable over the cited combination of references.

#### Claims 16-19 and 21-28

Claims 16-19 and 21-28 depend variously from claim 15 and each includes further distinguishing features. Each dependent claim is deemed patentable for at least the reasons set forth above with respect to claim 15.

### **CONCLUSION**

In view of the foregoing explanations, Applicants respectfully request that the Examiner reconsider and reexamine the present application, allow claims 1-5, 7-19

and 21-28, and pass the application to issue.

An earnest effort has been made to be fully responsive to the examiner's correspondence and advance the prosecution of this case. In view of the above amendments and remarks, it is believed that the present application is in condition for allowance, and an early notice thereof is earnestly solicited.

Please charge any additional fees associated with this application to Deposit Account No. 14-1270.

Respectfully submitted,

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